



Plaintiff moved to file the entire exhibits C and D under seal. Without waiting for the Court to decide the issue defendant unilaterally determined to file the exhibits (partially redacted) in the public record.

So I will not move to strike if you commit now to move to strike from the public record the portion of defendant's paper 47-5, that include the exhibits that are the subject of the motion to seal.

I await your response. Will you see to the removal of the "redacted" exhibits from the public record pending the Court's decision on the motion to seal.

I received replies questioning the reasoning for the motion to file the Exhibits under seal and asking me to explain the basis of my "objection to the redacted exhibit" being in the public record. But Zaiger's counsel would not agree to take any action to remove the "redacted" exhibits from the public record pending the Court's decision on the motion to seal.

3. Upon information and belief the exhibits filed in the public record will be copied and reported on the internet.

4. Today I expended 3.5 hours in first attempting to get Zaiger to remove the exhibits from the public record and then preparing a motion to strike and this affidavit.

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 23<sup>rd</sup> DAY OF OCTOBER , 2017.

/s/Richard A. Goren  
Richard A. Goren

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on October 23, 2017.

/s/ Richard A. Goren